

REMARKS

In the Amendment and Response mailed by Applicants on August 12, 2002, Applicants elected the species of a method of making cartilage and elected particular elements comprising the method. In addition, Applicants canceled Claims 8-11 and amended Claims 2 and 3. With this Supplemental Amendment, Claims 1-7 are canceled without prejudice. New Claims 12-23 have been added. Applicants respectfully request entry of new Claims 12-23 into the record.

I. THE NEW CLAIMS

New Claim 12 recites a method for making semi-interpenetrating or interpenetrating polymer networks, comprising: exposing a suspension of dissociated cells in a solution of a biocompatible polymer to free radicals generated by electromagnetic radiation from an electromagnetic source external to the suspension so that the electromagnetic radiation generates free radicals thereby forming the semi-interpenetrating or interpenetrating polymer networks. Support for new Claim 12 can be found in the specification, for example, at page 4, line 15 to page 6, line 16; page 16, lines 4 to 9; page 19, line 28 to page 20, line 28.

New Claim 13 recites the method of Claim 12 wherein the semi-interpenetrating or interpenetrating polymer networks are cartilage. Support for new Claim 13 can be found in the specification, for example, at page 16, lines 4 to 9 and in Claim 1 as originally filed.

New Claims 14-19 recite the method wherein the electromagnetic radiation is selected from the group consisting of x-rays, ultrasound, infrared radiation, far infrared radiation, ultraviolet radiation, long-wavelength ultraviolet radiation, and visible light (Claim 14); the suspension further comprises a photoinitiator (Claim 15); the photoinitiator is selected from the group consisting of erythrosin, phloxime, rose bengal, thionine, camphorquinone, ethyl eosin, eosin, methylene blue, riboflavin, 2,2-dimethyl-2-phenylacetophenone, 2-methoxy-2-phenylacetophenone, 2,2-dimethoxy-2-phenylacetophenone, and other acetophenone derivatives (Claim 16); the suspension further comprises a cocatalyst (Claim 17); the cocatalyst is selected from the group consisting of N-methyl diethanolamine, N,N-dimethyl benzylamine, triethanolamine, triethylamine, dibenzylamine, N-benzylethanolamine, and N-isopropyl benzylamine (Claim 18) and the cocatalyst is triethanolamine (Claim 19). Support for new Claim 14-19 can be found, for example, in Claims 2-7 as originally filed and

in the specification, for example, at page 13, lines 11 to 25; page 21, lines 11 to 27; page 13 lines 26 to page 14, line 4; page 14, lines 1 to 4.

New Claim 20 recites the method of Claim 12 wherein the semi-interpenetrating or interpenetrating polymer networks form a tissue equivalent in a subject, comprising: injecting a suspension of dissociated cells in a solution of a biocompatible polymer into a subject, and exposing the suspension to free radicals generated by electromagnetic radiation from an electromagnetic source external to the injected suspension so that the electromagnetic radiation penetrates through tissue to generate free radicals thereby forming the tissue equivalent. Support for new Claim 20 may be found for example, in Claim 8 and in the specification, for example, at page 17, line 16 to page 18, line 2.

New Claims 21 and 22 recite the methods of Claim 20 wherein the x-rays, ultrasound, infrared radiation, far infrared radiation, ultra-violet radiation, long-wavelength ultraviolet radiation, or visible light is applied externally to the skin or within a synovial space to a polymer-cell suspension injected into an adjacent joint, respectively. Support for new Claims 21 and 22 can be found, for example, in Claims 9-10 and in the specification, for example, at page 19, line 27 to page 20, line 4 and page 20, lines 9 to 15.

New Claim 23 recites the method of Claim 12 wherein the semi-interpenetrating or interpenetrating polymer networks form a tissue equivalent in a mold, comprising: injecting a suspension of dissociated cells in a solution of a biocompatible polymer into a mold, and exposing the suspension to free radicals generated by electromagnetic radiation from an electromagnetic source external to the suspension so that the electromagnetic radiation generates free radicals thereby forming the tissue equivalent. Support for new Claim 23 can be found, for example, in Claim 11, and in the specification, for example, at page 19, lines 21 to 26.

New Claims 12-23 are fully supported by the specification and Claims 1 to 11 as originally filed. Entry thereof is therefore respectfully requested.

II. ELECTION OF SPECIES

In response to the requirement to elect a single disclosed species, Applicants elect the species of a method of making cartilage. The Examiner, during the telephonic interview on October 24, 2002, agreed that the species to be examined is a method of making cartilage,

notwithstanding the remarks Applicants filed on August 12, 2002. Applicants believe Claims 12-19 read on the elected species.

Applicants understand their election of species is being made solely to facilitate examination of the application and that they are entitled to consideration of additional species upon allowance of a generic claim.

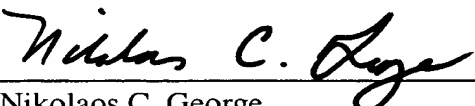
CONCLUSION

Applicants wish to thank the Examiner for the courtesies extended during the telephonic interview. Applicants submit that Claims 12-23 satisfy all of the criteria for patentability and are in condition for allowance. An early indication of the same and passage of Claims 12-23 to issuance is therefore kindly solicited.

Applicants believe no fee is due in connection with this response. However, the Commissioner is authorized to charge all required fees, fees under 37 C.F.R. §1.17 and all required extension of time fees, or credit any overpayment, to Pennie & Edmonds U.S. Deposit Account No. 16-1150 (order number 6261-227-999).

Respectfully submitted,

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